

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

Jason Alan Hertzog, #146837, )  
Plaintiff, ) Civil Action No. 8:05-0944-MBS-BHH  
vs. )  
Horry County; Tom Fox, Director; )  
Horry County Detention Center; and )  
Debbie Hipp, LPN, Horry County )  
Detention Center, )  
Defendants. )  
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)

**O R D E R**

This matter is before the court on the defendants' motion to obtain the plaintiff's medical records. The plaintiff did not file a response to the motion. In his complaint, the plaintiff, a detainee at the Horry County Detention Center who is proceeding *pro se*, seeks relief pursuant to Title 42, United States Code, Section 1983. He alleges deliberate indifference to a serious medical need.

In their motion, the defendants state that the plaintiff objects to the defendants obtaining his medical records, even though he is alleging medical negligence and his medical care is directly at issue. The defendants go on to state that "for all the foregoing reasons" they ask the court to order that they may obtain the plaintiff's medical records. Nowhere in the defendants' two-sentence memorandum is there any indication from whom the medical records are sought and the time period covered, nor is there any mention of the Health Insurance Portability and Accountability Act ("HIPAA") and its requirements. See 45 CFR §164.512.

Now, therefore, based upon the foregoing,

IT IS ORDERED that the defendants' motion is denied.

IT IS SO ORDERED.

s/Bruce H. Hendricks  
United States Magistrate Judge

June 20, 2005

Greenville, South Carolina